

Chemical Castration as Judicial Option

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In March, 2009, the International Herald Tribune published an article entitled "Taming a Dangerous Urge: Czechs Defend Castration of Pedophiles". This article describes the case of "Pavel," who had been convicted of sexually assaulting and then killing a five year old neighbor.

According to the article, "Pavel remembers the violent night sweats two days before the murder.

He went to see a family doctor, who said they would go away. But after viewing a Bruce Lee martial arts film, he said he felt uncontrollable desires. Pavel met a 12 year-old neighbor, and invited him home. Then he stabbed him five times."

Pavel was convicted in the case. Pavel, 18 at the time of the crime, spent seven years in jail, then five years in a psychiatric institution. During his last year in prison, he asked to be surgically castrated.

"Having his testicles removed, he says, was like draining the gasoline from a car hard-wired to crash. The operation has left Pavel sterile and he has forsaken marriage, relationships and sex."

Since his release, his life revolved around a Catholic charity where he became a gardener.

"I can finally live knowing that I am no harm to anybody," he said at a McDonald's, a large, dough-faced man, smiling nervously, as children played loudly nearby. "I am living a productive life. I want to tell people that there is help."

This case raises the question whether castration can help to rehabilitate violent sex offenders. The Council of Europe's anti-torture committee last month scrutinized the case, calling it "invasive, irreversible and mutilating" and demanding that the Czech Republic outlaw the practice immediately. Other critics have said castration threatens to lead society down a dangerous road toward eugenics.

The Czech Republic has castrated 94 prisoners over the first decade of the 21st century. It is the only country in Europe that uses the procedure, known technically as a testicular pulpectomy - a one-hour surgery that involves removal of the tissue that produces testosterone from the patient's testicle. It is the same surgery performed on men who suffer from prostate cancer. Czech psychiatrists supervising the treatment insist it is the most foolproof way to tame sexual urges in dangerous predators.

According to the article, surgical castration has been a means of social control for centuries. Eunuchs guarded women's quarters in imperial India, while in the 18th century, youthful male choir members, known as castrati, were castrated to preserve their high singing voices.

There is a growing debate across Europe and in the U.S. over weighing the individual rights of violent sex offenders against the collective rights of society. Recent shocking crimes have intensified this controversy.

As of 2009, Poland was set to become the first country in the European Union to give judges the right to impose chemical castration on convicted pedophiles - using hormonal drugs to curb sexual appetite - after a 45-year-old man was arrested in after fathering two children by his

young daughter. Spain announced plans to offer chemical castration after a convicted pedophile killed a child.

Turning to the United States, the then-governor of Louisiana, Bobby Jindal, signed legislation authorizing courts to order chemical or physical castration in cases of violent sex crimes against children.

Back to the Czech Republic, the issue was brought home when Antonin Novak, 43, was sentenced to life in prison after brutally raping and murdering Jakub Simanek, 9, who disappeared last May.

Novak had served four and a half years in prison for sexual offences in Slovakia. He had been undergoing treatment, but had stopped taking his testosterone-lowering drugs two months earlier. Advocates of surgical castration argued that had he been castrated, the tragedy could have been prevented.

Hynek Blasko, Jakub's father, expressed indignation that human rights groups were putting the rights of criminals ahead of those of victims.

According to the article, he said "My personal tragedy is that my son is in the sky and he is never coming back, and all I have left of him is 1.5 kilograms of ashes," he said in an interview. "No one wants to touch the rights of the pedophiles, but what about the rights of a 9-year-old boy with his life ahead of him?"

Ales Butala, the Slovenian human rights lawyer who led the European council's delegation to the Czech Republic, argued that surgical castration was unethical, since it deprived castrated men of the right to reproduce. He also challenged its effectiveness, saying that the council had discovered three cases of castrated Czech sex offenders who had gone on to commit violent crimes, including pedophilia and attempted murder.

In its report, the council also expressed concern that it had uncovered first-time, nonviolent offenders who had been castrated, including mentally retarded men and exhibitionists.

According to Ales Butala, "Sex offenders are requesting castration in hope of getting released from a life of incarceration. Is that really free and informed consent?"

But Czech psychiatrists and government health officials counter that castration can be effective in cases like Pavel's and argue that by seeking to outlaw the practice, the council is putting potential victims at risk.

Martin Holly, a leading sexologist and psychiatrist who is director of the Bohunice psychiatric hospital in Prague, said none of the nearly 100 sex offenders who had been physically castrated had committed another such crime. A Danish study of 900 castrated sex offenders in the 1960s suggested that the rate of repeat offenses dropped to 2.3 percent from 80 percent after surgical castration.

But human rights groups say such studies are inconclusive since they rely on self-reporting by sex offenders. Other psychiatric experts argue that sexual pathology is in the brain and cannot be cured by surgery.

Holly, who has counseled convicted sex offenders for four decades, stressed that the procedure was only being applied to repeat violent offenders who suffered from severe disorders like those afflicting pedophiles. Moreover, he said, the procedure was only undertaken with the informed

consent of the patient and with the approval of an independent committee of psychiatric and legal experts.

Jaroslav Novak, chief of urology at Na Bulovce hospital in Prague, insisted: "This is not a very common procedure. We carry it out maybe once every one to two years at most."

The United States Supreme Court ruled in 1985 that involuntary surgical castration constituted cruel and unusual punishment. Nine U.S. states, including Texas, Florida and California, now have laws mandating either chemical or voluntary surgical castration for certain convicted sex offenders.

According to the article, Fred Berlin, founder of the Sexual Disorders Clinic at Johns Hopkins University in Maryland, argued that chemical castration was a less physically harmful alternative than surgery. Chemical castration also provided a safeguard, he noted, since a psychiatrist can inform the courts or the police if the patient ordered to undergo treatment fails to show up. A surgically castrated patient, he added, could still return to being a sexual predator after ordering testosterone over the Internet.

For Hynek Blasko, there is only one way to prevent what happened to his son. "These people must be under permanent detention where they can be monitored," he said. "There has to be a difference between the rights of the victim and the perpetrator who takes away the life of a 9-year-old boy."